

**MANISTEE CITY
ZONING BOARD OF APPEALS**

Meeting of August 2, 2011
3:00 p.m. - Second Floor Conference Room
City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I CALL TO ORDER

II ROLL CALL

III APPROVAL OF AGENDA

At this time the Zoning Board of Appeals can take action to approve the August 3, 2011 Agenda.

IV APPROVAL OF MINUTES

At this time Zoning Board of Appeals can take action to approve the July 28, 2011 meeting Minutes.

V PUBLIC HEARING

None

VI BUSINESS SESSION:

Old Business

None

Other Business of the Appeals Board

VII PUBLIC COMMENTS AND COMMUNICATIONS

At this time the Chair will ask if there are any public comments. .

VIII ADJOURNMENT

MANISTEE CITY ZONING BOARD OF APPEALS

City Hall, 70 Maple Street
Manistee, MI 49660

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MEETING MINUTES

July 28, 2011

A meeting of the Manistee City Zoning Board of Appeals was held on July 28, 2011 at 5:30 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

MEMBERS PRESENT: Ray Fortier, Mark Hoffman, John Perschbacher, Mark Wittlief (alternate)

MEMBER ABSENT: Bill Kracht (excused), Craig Schindlbeck (alternate - excused)

OTHERS PRESENT: Bill Zielinski (1019 High Street), Alan Marshall (914 Vine Street), Steve Harold (Manistee County Historical Museum), Mark Fedder (Manistee County Historical Museum), Jim Johnson (Structural Specialties), Jon Rose (Community Development Director), Denise Blakeslee (Planning & Zoning)

The meeting was called to order at 5:30 p.m. by Chairman Perschbacher

APPROVAL OF AGENDA:

MOTION by Ray Fortier, seconded by Mark Hoffman to approve the July 28, 2011 meeting Agenda.

With a voice vote this MOTION PASSED

5:04 pm Member Wittlief entered the meeting.

APPROVAL OF MINUTES:

MOTION by Ray Fortier, seconded by Mark Hoffman to approve the March 28, 2011 Zoning Board of Appeals Meeting Minutes.

Yes Hoffman, Wittlief, Fortier, Perschbacher
No None

With a roll call vote this MOTION PASSED 4 to 0.

PUBLIC HEARING:

ZBA-2011-02 Bill and Cathy Zielinski, 1019 High Street - Variance to front-yard set-back

Bill and Cathy Zielinski, 1019 High Street are requesting a variance to reduce the front-yard set-back from 15 feet to 2 feet 8 inches to add a roof over existing porch.

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Chair Perschbacher opened the Public Hearing.

Bill Zielinski, 1019 High Street - Mr. Zielinski did not have much to add to what was submitted in the application. They wish to put a roof over the existing porch to keep them dry when it rains and snows and restore it to what was originally on the home when it was constructed. They do not want it to be any larger than the existing slab under the existing deck on the front of their home.

Chair Perschbacher - reviewed the packet and it included a drawing of what was proposed. He noted that the original drawing from when the home (a Sears Catalog House) was constructed it had round columns. He asked if they were going to use round columns.

Mr. Zielinski said that they had considered it but cost was a factor in their decision.

Jim Johnson, Structural Specialties (Builder for project) - Spoke of the proposed design and said that Building Code does not require a railing for the porch because it is not that far off the ground. He said that they were proposing a 24 inch railing.

Alan Marshall, 914 Vine Street - Mr. Marshall is the Council representative for the Zielinski's District. He hoped that the Zoning Board of Appeals could grant the variance, the request is typical of what is in the neighborhood. The neighborhood was built with the porches close to the streets.

Steve Harold, Manistee County Historical Museum - Mr. Harold wanted to reiterate what was in his letter of support to the Zoning Board of Appeals. The two key issues are the original drawing of the home shows the porch. It is much more appealing than the current deck on the front of the home. Second the home is situated in a neighborhood that was established over 100 years ago. The only way for a person to cool off during the summer was to sit on the front porch during that period of time. This also provided interaction with the neighborhood.

Jon Rose, Community Development Director - Mr. Rose noted that the request did not state how far the eaves would be constructed into the set-back.

Jim Johnson, Structural Specialties - They plan to have a 12 inch eave.

Jon Rose, Community Development Director - Noted that if the Zoning Board of Appals were to vote in favor of the request they should include the 12 inch eave in the motion.

Chair Perschbacher read letters of support that were received and are on file:

Steve Harold, Curator, Manistee County Historical Museum
Raymond R. Wittlief, 188 Twelfth Street
Tim & Laura Bosma, 1000 High Street
Edwin Michalak, 1006 High Street
Kimberly Gorley, 1007 High Street
Clarence Schultz, 1009 High Street

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Suzanne O'Hagen, 1010 High Street
Joyce O'Hagen, 231 Tenth Street
Gertrude Zygaj, 1013 High Street
Gary & Michelle Block, 1015 High Street

There being no further discussion the Public Hearing Closed at 5:57 p.m.

BUSINESS SESSION:

Action on Pending Case:

ZBA-2011-02 Bill and Cathy Zielinski, 1019 High Street - Variance to front- yard set-back

A public hearing was held earlier in response to the request from Bill and Cathy Zielinski, 1019 High Street are requesting a variance to reduce the front-yard set-back from 15 feet to 2 feet 8 inches to add a roof over existing porch.

The Zoning Board of Appeals reviewed the request and the requirements of Section 2507.C of the City of Manistee Zoning Ordinance. This portion of the Ordinance is used as the finding of facts by the Zoning Board of Appeals and their responses to the conditions are as follows:

The Board shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds that **all of the Basic Conditions** and **any one (1) of the Specific Conditions** set forth herein can be satisfied. The appellant shall submit, along with the established fee and other materials, a narrative demonstrating why a variance is sought.

The Board shall find that a variance request meets all of the following conditions.

1. The requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
4 - Yes Fortier, Hoffman, Wittlief, Perschbacher
0 - No None
2. The requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use or dimensional variance for which a special land use permit is required.
4 - Yes Hoffman, Wittlief, Fortier, Perschbacher
0 - No None
3. The requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.
4 - Yes Hoffman, Wittlief, Fortier, Perschbacher
0 - No None

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4. The conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.
4 - Yes Hoffman, Fortier, Wittlief, Perschbacher
0 - No None
5. The requested variance shall relate only to property that is under control of the applicant.
4 - Yes Wittlief, Fortier, Hoffman, Perschbacher
0 - No None
6. The requested variance shall not be necessitated by any self-created condition or action taken by the applicant or property owner.
4 - Yes Wittlief, Fortier, Hoffman, Perschbacher
0 - No None
7. There is no reasonable alternative location on the parcel for the proposed improvements for which a variance is sought where such alternative location would eliminate the need for the requested variance or reduce the extent of the condition(s) necessitating the variance.
4 - Yes Wittlief, Fortier, Hoffman, Perschbacher
0 - No None
8. The requested variance is the minimum variance that will make possible the reasonable use of the land.
4 - Yes Fortier, Hoffman, Wittlief, Perschbacher
0 - No None

Special Conditions. When **all** of the foregoing basic conditions can be satisfied, a variance may be granted when any **one** (1) of the following special conditions can be clearly demonstrated:

The Commission discussed how the applicant provided Historical Documentation that showed the covered porch was part of the home when it was originally constructed. Discussed the Special Conditions and determined that #2 could clearly demonstrate granting the variance.

2. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property that do not generally apply to other property or uses in the same zoning district.
4 - Yes Hoffman, Wittlief, Fortier, Perschbacher
0 - No None

MOTION by Mark Hoffman, seconded by Mark Wittlief to approve the variance request from Bill and Cathy Zielinski, 1019 High Street to reduce the front-yard set-back from 15 feet to 2 feet 8 inches to add a roof over existing porch and allow the eaves to encroach 12 inches into the two 2 foot 8 inch setback.

With a roll call vote this motion passed 4 to 0.

Yes	Hoffman, Fortier, Wittlief, Perschbacher
No	None

Old Business:

None

Other Business of the Appeals Board:

None

QUESTIONS, CONCERNS OF CITIZENS IN ATTENDANCE:

Alan Marshall, 914 Vine Street noted his appreciation to the Zoning Board of Appeals for their expertise and professionalism in handling the request.

The Zoning Board of Appeals will be meeting on Tuesday, August 2, 2011 at 3:00 p.m. in the Second Floor Conference Room to approve the July 28, 2011 Meeting Minutes.

ADJOURNMENT:

There being no further business meeting MOTION by Mark Hoffman, seconded by Ray Fortier the meeting be adjourned.

Meeting adjourned at 6:15 p.m.

Respectfully Submitted

Denise J. Bealeslee, Recording Secretary

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